



STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11TH Floor
Nashville, Tennessee 37243-1102

NOTICE OF DETERMINATION
Economic/Social Necessity for Degradation of Exceptional Tennessee Waters
Aquatic Resource Alteration Permit application NRS21.050
AMH TN Development, LLC
Falcon Ridge Residential Development

Pursuant to The Tennessee Water Quality Control Act of 1977, and Tenn. Comp. R. & Regs. 0400-40-03-.06(4)(d), this notice sets out the Tennessee Department of Environment and Conservation's (the "Department's") determination that the degradation resulting from the new habitat alteration proposed in the § 401 Water Quality Certification and Aquatic Resource Alteration Permit application NRS21.050 is necessary to accommodate important economic or social development in the area.

Background

AMH TN Development, LLC applied for §401 Water Quality Certification and Aquatic Resource Alteration Permit for stream impacts associated with culvert encapsulation for the construction of access road and sewer line installation as part of the Falcon Ridge residential development. Additional information on the project proposal and supporting documents are available for review on the internet at the Division's Water Resources Permits Data viewer (<https://www.tn.gov/environment/about-tdec/tdec-dataviewers.html>) by entering the permit file number listed in the title of this Notice of Determination.

Drakes Creek and its tributaries are Exceptional Tennessee Waters (ETW) due to the presence of the state endangered Streamside Salamander.

The encapsulation is proposed as part of a larger residential development to provide single-family residential housing opportunities for the growing population of the City of Hendersonville and the Nashville metropolitan area. The development is consistent with land planning and housing strategies currently in place and will support the local economy through the utilization of craftsmen and workers for construction of the project, and generation of property tax revenues.

Determinations

After taking into consideration the information received in support of the permit application and the comments received through public participation, the Department has determined that:

1. The proposed alterations will result in greater than *de minimis* degradation to habitat of a stream segment designated as an Exceptional Tennessee Water.
2. The degradation is necessary to accommodate important economic or social development in the area because the crossing is part of the development of a residential community to support the growing population in Sumner County and the City of Hendersonville.

Petition for Declaratory Order/Permit Issuance

Pursuant to the Antidegradation Statement, Tenn. Comp. R. & Regs. 0400-40-03-.06(4)(d), the Department's determination that degradation above a *de minimis* level of the ETWs is necessary to accommodate important economic or social development in the area is subject to review by the Board of Water Quality, Oil and Gas. Within 30 days after the date of this notification, any affected intergovernmental coordination agency or affected third person may petition the Board for a declaratory order under Tenn. Code Ann. § 4-5-223, and the Board shall convene a contested case. If a petition for declaratory order is timely filed, it will be processed in accordance with Tenn. Comp. R. & Regs. 0400-40-03-.06(4)(d) and rules governing contested case hearings. If no such petition is filed within 30 days after this notification, then the Department will proceed to its final determination of whether to issue the permit. A petition may be filed by electronic mail at TDEC.Appeals@tn.gov or by mail to Jenny Howard, TDEC General Counsel, 312 Rosa L. Parks Ave., Nashville, TN 37243.